

THE
GENERAL LAWS
OF THE
Commonwealth of Massachusetts
PASSED AT THE
JANUARY SESSION, 1837.

NOTE. [The omitted chapters are those which contain the Special Statutes.]

CHAPTER 1.

AN ACT CONCERNING THE SURPLUS REVENUE OF THE UNITED STATES.

Treasurer authorized to receive, &c., Commonwealth's proportion of public money.

THE treasurer and receiver general of this Commonwealth is hereby authorized to receive, on the terms prescribed in the thirteenth section of the act of Congress, entitled, "an act to regulate the deposits of the public money," approved the twenty-third day of June, eighteen hundred and thirty-six, the proportion of the moneys thereby directed to be deposited with the several states, which may according to the provisions of that section be deposited with this state; and to sign, and deliver to the secretary of the treasury of the United States, such certificates of deposit therefor as may be required under the provisions of that section; and to pledge the faith of this state for the safe keeping and repayment thereof, in such manner as may be necessary to entitle the treasurer and receiver general to receive, for and in behalf of this state, said proportion of the moneys before mentioned. [January 19, 1837.]

Treasurer authorized to receive, &c., Commonwealth's proportion of public money.

And to sign certificates of deposit, &c.

CHAPTER 13.

AN ACT RELATING TO THE SALARY OF THE SERGEANT AT ARMS.

Salary of Sergeant at Arms increased.

FROM and after the first day of January, one thousand eight hundred and thirty-seven, the sergeant at arms shall receive an annual salary of one thousand dollars, instead of eight hundred and fifty dollars, as provided in the sixty-fifth section of the thirteenth chapter of the Revised Statutes. [February 14, 1837.]

CHAPTER 240.

AN ACT CONCERNING THE MILITIA.

SECTION

1. Who shall be enrolled in the militia, and included in military returns.
2. Who shall appoint division inspectors, &c.
3. When commissions of staff officers expire.
4. Adjutant general to present his account to governor and council in February.
5. How military returns shall be made; penalties for neglect; by whom penalties sued for.
6. Certain yearly returns dispensed with; majority of voters present may elect

SECTION

- company officers.
7. On what terms members of voluntary companies exempted from duty in standing company.
8. Division inspector to keep roster, &c.; his compensation.
9. How fines, &c. of members of volunteer companies may be collected and disposed of.
10. When towns required to provide powder, &c.: forfeiture for not providing.
11. Sections of former statute repealed.

Who shall be enrolled in the militia, and included in military returns.

SECT. 1. Every able-bodied white male citizen resident within this Commonwealth, who is, or shall be, of the age of eighteen, and under the age of forty five years, excepting idiots, lunatics, common drunkards, vagabonds, paupers, and persons convicted of any infamous crime, shall be enrolled in the militia, and included in the military returns: *provided*, that nothing herein contained shall be so construed as to render any of the exempts mentioned in the first, second and third sections of the twelfth chapter of the Revised Statutes, liable to do military duty otherwise than is therein provided.

Who shall appoint division inspectors, &c.

SECT. 2. Division inspectors and division quarter masters shall hereafter be appointed by the respective major generals, and approved by the commander in chief.

When commissions of staff officers expire.

SECT. 3. The commissions of all staff officers, appointed by any commanding officer, shall expire after the commanding officer shall be discharged or vacate his commission, as soon as his successor is commissioned.

Adjutant general to present his account to governor and council in February.

SECT. 4. The adjutant general shall annually, in the month of February, lay before the governor and council, for adjustment, an account of all expenditures of money made by him as adjutant general and acting quarter master general, with vouchers to support the same; and such accounts shall be settled by the governor and council.

How military returns shall be made; penalties for neglect; by whom penalties sued for.

SECT. 5. The military returns shall continue to be made, as provided in the thirty first and thirty second sections of the twelfth chapter of the Revised Statutes, excepting, that every commanding officer of a brigade shall make and transmit returns of the state of his brigade, to the commanding officer of the division to which he belongs, in the month of July annually; and every commanding officer of such division shall make and transmit returns of the state of his division to the adjutant general in the month of August annually. And the penalty for neglecting to make the returns as provided for in the thirty first and thirty second sections of the twelfth chapter of the Revised Statutes, and in this section, shall be as follows:

Every captain or commanding officer of a company, who shall

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neglect to make returns, for each instance of such neglect, ten dollars.

Every commanding officer of a regiment or separate battalion, who shall neglect to make returns, for each instance of such neglect, twenty-five dollars.

Every commanding officer of a brigade, who shall neglect to make returns, for each instance of such neglect, fifty dollars.

Every commanding officer of a division, who shall neglect to make returns, for each instance of such neglect, seventy-five dollars.

Every brigade major and inspector who shall neglect to make returns, for each instance of such neglect, fifty dollars.

The above fines and forfeitures to be prosecuted for by the officer to whom the respective returns should be made, in any court of competent jurisdiction, and paid into the treasury of the Commonwealth.

SECT. 6. So much of the one hundred and fourteenth section of the twelfth chapter of the Revised Statutes as requires clerks of companies to make annual returns to the brigade majors, and the brigade majors to the commander-in-chief; and so much of the fifty-eighth section of the twelfth chapter of the Revised Statutes as requires a majority of the qualified voters of the company to be present at an election of officers, is hereby repealed; and a majority of the legal voters present at any company election, duly notified, may elect company officers.

Certain yearly returns dispensed with; majority of voters present may elect company officers.

SECT. 7. No non-commissioned officer or private of any company raised at large, shall be required to perform military duty in the standing company within whose limits he resides: *provided*, that when notified of his enrolment in such standing company, or otherwise requested, he shall produce within ten days, to the commanding officer of such standing company, a certificate from the commanding officer of his own company, that he is a member thereof; and if any such non-commissioned officer or private remove out of the limits within which his company is raised, he shall continue to be a member thereof.

On what terms members of volunteer companies exempted from duty in standing company.

SECT. 8. The division inspector of each division shall constantly keep a correct roster of the division to which he belongs, and an orderly book, in which he shall record all orders received and issued; and he shall receive annually the same compensation which is now by law allowed to the oldest aid-de-camp of each major general; and so much of the twenty-seventh section of the twelfth chapter of the Revised Statutes as provides that the oldest aid-de-camp of each major general shall keep such roster and orderly book, is hereby repealed.

Division inspector to keep roster, &c.; his compensation.

SECT. 9. All fines and forfeitures, incurred by the members of volunteer companies, may be collected by such persons and disposed of in such manner, for the benefit of said companies, as a majority of the members thereof may determine.

How fines, &c. of members of volunteer companies may be collected and disposed of.

SECT. 10. Whenever in the opinion of the commander-in-chief it shall be necessary, he shall issue his proclamation, requiring all towns to provide, and deposit in some suitable and convenient place therein, sixty-four pounds of good powder; one hundred pounds of musket balls, each of the eighteenth

When towns required to provide powder, &c.; forfeiture for not providing.

part of a pound; one hundred and twenty-eight flints suitable for muskets; three copper, iron, or tin camp kettles, for every sixty-four soldiers enrolled in said town; and the same proportion of the aforesaid articles for a greater or less number, and so to keep the same, until he shall by proclamation declare the same no longer necessary.

Any town which shall neglect to provide and keep deposited all or any of the aforesaid articles, as above required, shall forfeit the sum provided in the one hundred and sixth section of the twelfth chapter of the Revised Statutes.

Sections of former statute repealed.

SECT. 11. The forty-sixth and forty-seventh sections of the twelfth chapter, and all other provisions of the Revised Statutes which are inconsistent with this act, are hereby repealed. [April 20, 1837.]

CHAPTER 241.

AN ACT RELATING TO COMMON SCHOOLS.

SECTION

1. Board of education, how constituted; term of office, &c.
2. Board to make yearly abstract of school returns: May appoint a secretary; his duty, &c.

Board of education, how constituted; term of office, &c.

SECTION

3. Board to make yearly report of its doings, with suggestions, &c.
4. Governor may draw for secretary's salary.

SECT. 1. His excellency the governor, with the advice and consent of the council, is hereby authorized to appoint eight persons, who, together with the governor and lieutenant governor ex officiis, shall constitute and be denominated the board of education; and the persons so appointed shall hold their offices for the term of eight years: *provided*, the first person named in said board shall go out of office at the end of one year, the person next named shall go out of office at the end of two years, and so of the remaining members, one retiring each year, and in the order in which they are named, till the whole board be changed; and the governor, with the advice and consent of the council as aforesaid, shall fill all vacancies in said board, which may occur from death, resignation or otherwise.

Board to make yearly abstract of school returns.

May appoint a secretary; his duty, &c.

SECT. 2. The board of education shall prepare and lay before the Legislature, in a printed form, on or before the second Wednesday of January, annually, an abstract of the school returns received by the secretary of the Commonwealth, and the said board of education may appoint their own secretary, who shall receive a reasonable compensation for his services, not exceeding one thousand dollars per annum, and who shall, under the direction of the board, collect information of the actual condition and efficiency of the common schools, and other means of popular education, and diffuse as widely as possible throughout every part of the Commonwealth, information of the most approved and successful methods of arranging the studies and conducting the education of the young, to the end that all children in this Commonwealth, who depend upon common schools for instruction, may have the best education which those schools can be made to impart.